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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/738,936	12/17/2003	Atsushi Ishii	SLA.1312	8473

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ROBERT D. VARITZ
4915 S.E. 33RD PLACE
PORTLAND, OR 97202

EXAMINER	
KAYES, SEAN PHILLIP	

ART UNIT	PAPER NUMBER
2841	

DATE MAILED: 12/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/738,936	ISHII, ATSUSHI	
	Examiner	Art Unit	
	Sean Kayes	2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 November 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-2, 4-8, and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garin (US 6427120) in view of Brunts (US 5724316.)

3. With respect to claim 1 Garin discloses a method of setting an internal clock in a GPS-equipped mobile communication device when the mobile communication device is not in a digital service area, comprising: powering-up the mobile communication device; and determining whether digital service is available, activating a GPS receiver in the mobile communication device (the GPS receiver would not be active while the device is powered down. Upon powering-up the device the GPS receiver would become active.); and, if digital service is not available, detecting a GPS time signal from any GPS satellite. (Column 6 lines 34-44 discuss the device receiving signals from GPS satellites which would necessarily include a GPS time signal. Additionally, column 5 lines 54-65 discuss where information, including time, is processed in GPS data center, 312, and upon request transmitted to the device. The transmission means can be either digital services or GPS services depending on operating mode. Garin discloses several operating modes, column 6-9. When the device is turned on in network based mode, column 7 lines 40-54, the device will search for digital service. If no digital service can

be found the device is capable of automatically switching to a GPS mode and searching for a GPS signal as discussed in column 8 lines 27-38. Additionally the device is provided with a Reverse Aiding mode, column 8 lines1-4, in which the device functions in a mode reverse to that of the Network Aided Mode, column 6 lines 55-67 and continued in column 7 lines 1-39. In the Reverse Aiding mode, RA, the device functions primarily in a networked based mode with GPS information assistance.)

Garin does not explicitly disclose setting the internal clock in the mobile communication device from the GPS time signal.

Brunts teaches setting the internal clock in a mobile communication device from the GPS time signal (column 2 lines 44-64.)

At the time of the invention it would have been obvious to one skilled in the art to add a time zone database to Garin's device and to determine local time as a function of GPS time signal and location as taught by Brunts.

The suggestion or motivation for doing so would be to determine local time in the case that a cellular signal is unavailable. (Signal availability concerns are discussed by both Brunts and Garin, as well as the need for a backup system in the event of poor signal quality.)

4. With respect to claim 2 Garin and Brunts teach the method of claim 1 wherein said determining includes determining whether digital service is available by determining the elapsed time from the last receipt of a digital service contact (column 8 lines 62-67 and column 9 lines 1-3, gps signal is digital.)

5. With respect to claim 4 Garin and Brunts teach the method of claim 1 wherein said detecting includes detecting after a pre-determined period of time, a GPS time signal to update the internal clock in the mobile communication device (column 12 lines 6-67 discusses a time update method for the device. In this method the GPS time signal is relayed by means of a cell tower to the device for the purpose of updating the internal clocks. The pre-determined period of time could refer to the time required to power up the device before it begins to search for a time signal or it could refer to the pre-determined amount of elapsed time, column 8 liens 62-67 and column 9 lines 1-3, before the device automatically changes modes, i.e. from a GPS only mode, standalone, to a mode where it communicated with digital services, network aided mode.)

6. With respect to claim 5 Garin and Brunts teach the method of claim 1 wherein said detecting includes detecting a difference between the GPS time signal and the internal clock time, and, if the difference exceeds a pre-determined value, updating the internal clock time as a function of the GPS time signal (column 13 lines 10-30. The time transfer periodicity is determined as a product of the varying difference between the GPS signal time and the internal GPS clock, by means of the Allan variance.)

7. With respect to claim 6 Garin and Brunts teach the method of claim 1 wherein a user interface is provided to allow the user to regulate the GPS time adjustment (column 8 lines 35-40.)

8. With respect to claim 8 Garin discloses a method of setting an internal clock in a GPS-equipped mobile communication device when the mobile communication device is not in a digital service area, comprising: determining whether digital service is available, including determining whether digital service is available by determining the elapsed time from the last receipt of a digital service contact, and, if digital service is not available, activating a GPS receiver in the mobile communication device (the GPS receiver would not be active while the device is powered down. Upon powering-up the device the GPS receiver would become active.); and detecting a GPS time signal from a single GPS satellite. (Garin discloses several operating modes, column 6-9. When the device is turned on in network-based mode, column 7 lines 40-54, the device will search for digital service. If no digital service can be found the device is capable of automatically switching to a GPS mode and searching for a GPS signal as discussed in column 8 lines 27-38. The determination of signal availability is discussed in column 8 lines 62-67 and column 9 lines 1-3. While this particular section discusses trying to determine the availability of a GPS signal in standalone mode, the same method be being applied to determine network availability is in network based mode.)
Garin does not explicitly disclose setting the internal clock in the mobile communication device from the GPS time signal.

Brunts teaches setting the internal clock in a mobile communication device from the GPS time signal (column 2 lines 44-64.)

At the time of the invention it would have been obvious to one skilled in the art to add a time zone database to Garin's device and to determine local time as a function of GPS time signal and location as taught by Brunts.

The suggestion or motivation for doing so would be to determine local time in the case that a cellular signal is unavailable. (Signal availability concerns are discussed by both Brunts and Garin, as well as the need for a backup system in the event of poor signal quality.)

9. With respect to claim 10 Garin and Brunts teach the method of claim 8 wherein said detecting includes detecting after a pre-determined period of time, a GPS time signal to update the internal clock in the mobile communication device (column 8 lines 62-67 and column 9 lines 1-3.)

10. With respect to claim 11 Garin and Brunts teach the method of claim 8 wherein said detecting includes detecting a difference between the GPS time signal and the internal clock time, and, if the difference exceeds a pre-determined value, updating the internal clock time as a function of the GPS time signal (column 14 lines 36-42.)

11. With respect to claim 12 Garin and Brunts teach the method of claim 8 wherein a user interface is provided to allow the user to regulate the GPS time adjustment (column 8 lines 35-40.)

12. With respect to claims 7 and 13 Garin and Brunts teach the methods of claims 1 and 8 respectively, which further includes detecting location from plural GPS satellites (column 6 lines 34-44.)

Garin does not explicitly disclose determining local time as a function of the GPS time signal and location.

Brunts teaches determining local time as a function of the GPS time signal and location (column 2 lines 44-64.)

At the time of the invention it would have been obvious to one skilled in the art to add a time zone database to Garin's device and to determine local time as a function of GPS time signal and location as taught by Brunts.

The suggestion or motivation for doing so would be to determine local time in the case that a cellular signal is unavailable.

13. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garin (US 6427120) in view of Brunts (US 5724316) and Lurey (US 6009130.)

14. With respect to claim 3 and 9 Garin discloses the method of claim 1 and 8 respectively.

Garin does not disclose setting the internal clock in the mobile communication device from the GPS time signal.

Brunts teaches setting the internal clock in a mobile communication device from the GPS time signal (column 2 lines 44-64.)

At the time of the invention it would have been obvious to one skilled in the art to add a time zone database to Garin's device and to determine local time as a function of GPS time signal and location as taught by Brunts.

The suggestion or motivation for doing so would be to determine local time in the case that a cellular signal is unavailable. (Signal availability concerns are discussed by both Brunts and Garin, as well as the need for a backup system in the event of poor signal quality.)

Garin does not disclose wherein said determining includes determining whether digital service is available by scanning for all possible digital channels.

Scanning all channels to determine signal availability is well known in the art. Most modern car radios perform this function by means of the scan button. Most TV's automatically scan all the channels to determine availability when turned on.

Additionally, Lurey teaches scanning all the possible digital channels to determine availability (column 13 line 67 and column 14 lines 1-2.)

At the time of the invention it would have been obvious to one skilled in the art to program Garin's device to scan all possible channels in order to determine digital service availability.

The suggestion or motivation for doing so would be to determine whether or not there is a signal without overlooking a particular channel.

Response to Arguments

15. Applicant's arguments filed 11/6/2006 have been fully considered but they are not persuasive.

16. The applicant's first argument states that the cited prior art "appears" to function in a way "opposite to the method of the invention." Applicant further explains that the cited art has a full time or "live" GPS receiver and that applicant's invention has a switchable GPS receiver. The examiner is inclined to agree with applicant however, this is a moot point as the claim language does not reflect this limitation. As cited in the previous action the GPS receiver is at least inactive when the device is not powered and becomes activated during the activation sequence such that the claimed limitations are met.

17. Applicant's second argument states that column 5 lines 54-65 fails to teach updating the time according to GPS time signals. This is correct, however, it was previously relied upon to teach wherein the GPS signal included time information. This is a moot point. As amended claim 1 now recites the limitation of "setting the internal clock in the mobile communication device from the GPS time signal." The teachings of column 5 lines 54-65 do not meet this limitation. Subsequently the grounds of rejection have been changed to include the Brunts reference which teaches this limitation. Please see the grounds of rejection provided above.

18. Applicant's third argument is that neither Brunts nor Garin teaches activating a GPS receiver only when a digital signal is unavailable. This is a moot point as the claim language does not reflect this limitation. As recited the claim language does not require the GPS receiver to be inactive when a digital service is available. Claim 1 recites activating a GPS receiver in the mobile communication device. This language does not preclude the activation of the GPS receiver in the event that a digital service is found to be available.

Conclusion

19. This is a continuation of applicant's earlier Application No. 10922132. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Kayes whose telephone number is (571) 272-8931. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tulsidas Patel can be reached on (571) 272-2098. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SK
11/27/2006

Vit Miska
Primary Examiner